

It was alleged in the libels that the article was adulterated in that an added undeclared substance, sugar, had been substituted in part for the said article. Misbranding was alleged for the reason that the statement on the can label, "Eggs," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was offered for sale under the distinctive name of another article.

On August 24, 1931, Standard Brands (Inc.), New York, N. Y., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$2,000, conditioned in part that it be relabeled under the supervision of this department, and that it should not be sold or otherwise disposed of contrary to the laws of the United States, or any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18836. Adulteration and misbranding of canned oysters. U. S. v. 45 Cases of Canned Oysters. Consent decree of condemnation. Product released under bond. (F. & D. No. 26802. I. S. No. 11168. S. No. 4953.)

Samples of canned oysters from the shipment herein described having been found to contain excessive brine, the Secretary of Agriculture reported the matter to the United States attorney for the District of Oregon.

On July 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 cases, each containing 24 cans of oysters, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Louisiana Oyster & Fish Co., from Houma, La., on or about June 4, 1931, and had been transported from the State of Louisiana into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "10 Oz. Oysters Order Notify General Grocery Co. Portland, Ore."

It was alleged in the libel that the article was adulterated in that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted in part for normal oysters of good commercial quality.

Misbranding was alleged for the reason that the statement on the label, "Ten Oz. Oysters," was false and misleading and deceived and misled the purchaser; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On August 18, 1931, the General Grocery Co., Portland, Oreg., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned in part that it be relabeled in a manner satisfactory to this department, and should not be sold or otherwise disposed of contrary to the Federal food and drugs act, or the laws of any State, Territory, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18837. Adulteration and misbranding of cane sirup. U. S. v. 129 Cases of Lucky Strike Sirup and Louisiana Maid Cane Sirup. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 26496. I. S. Nos. 24315, 24316. S. No. 4807.)

Examination of samples of cane sirup from the shipment herein described having shown that the article contained added molasses and that the cans contained less than the declared volume, the Secretary of Agriculture reported the matter to the United States attorney for the Southern District of Mississippi.

On or about June 22, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 129 cases of cane sirup at Vicksburg, Miss., alleging that the article had been shipped by Chauvin Bros. Preserving Co., from Burnside, La., on or about April 22, 1931, and had been transported from the State of Louisiana into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Lucky Strike Pure Open Kettle Sugar

Cane Syrup Contents 3 Qts. 8 Fl. Oz." The remainder of the said article was labeled in part: (Can) "Louisiana Maid Pure Cane Syrup * * * made from the Pure Juice of the Sugar Cane * * * Contents 3 Quarts 7 Fluid Ounces."

It was alleged in the libel that the article was adulterated in that a substance, molasses, had been substituted in part for the said article, so as to reduce, lower, and injuriously affect its quality.

Misbranding was alleged for the reason that the statements on the labels of the cans, "Contents 3 Qts. 8 Fl. Oz." and "3 Quarts 7 Fluid Ounces," and "Pure Cane Syrup * * * made from the Pure Juice of the Sugar Cane," were false and misleading, and deceived and misled the purchaser in that the said statements were applied to an article short of the declared contents, and which was composed in part of another and different substance than that named on the label, to wit, molasses. Misbranding was alleged for the further reason that the article was composed in part of molasses and was offered for sale under the distinctive name of another article, namely, sugar cane sirup. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, in that the amount stated on the label was greater than the actual contents of the packages.

On September 16, 1931, the Planters Syrup Co., New Orleans, La., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to show the correct weight and contents, and that it should not be sold or disposed of contrary to the Federal food and drugs act or the laws of any State, Territory, district, or insular possession.

ARTHUR M. HYDE, *Secretary of Agriculture.*

18838. Misbranding of butter. U. S. v. Mistletoe Creameries (Inc.). Plea of guilty. Fine, \$25. (F. & D. No. 26621. I. S. Nos. 504, 506, 520, 582.)

Sample packages of butter from the shipments herein described having been found to contain less than the weight declared on the label, the Secretary of Agriculture reported the matter to the United States attorney for the Western District of Texas.

On September 10, 1931, the United States attorney filed in the District Court of the United States for the district aforesaid an information against the Mistletoe Creameries (Inc.), trading at El Paso, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments on or about August 21, September 4, and September 11, 1930, from the State of Texas into the State of New Mexico, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Mistletoe Creamery Butter Four Quarters * * * Manufactured by Mistletoe Creameries, Inc., El Paso, Texas, One Pound Net." The remainder of the said article was labeled in part: "Extra Fancy Mistletoe Creamery Butter * * * Mistletoe Creameries, Inc., El Paso, Texas, Four Ounces Net."

It was alleged in the information that the article was misbranded in that the statements, to wit, "One Pound Net," with respect to a portion of the product, and the statement, to wit, "Four Ounces Net," with respect to the remainder thereof, borne on the labels, were false and misleading in that the said statements represented that each of the packages contained 1 pound net, or 4 ounces net, as the case might be, of butter; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net, or 4 ounces net, as the case might be, of butter; whereas each of the said packages did not contain the amount declared on the label, but did contain in each of practically all of the said packages, less than so labeled. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On September 12, 1931, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*